

Department of Energy

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(b) The Nevada Test Site Traffic Regulations, when posted and distributed as specified in § 861.6, shall have the same force and effect as if made a part hereof.

§ 861.5 Penalties.

Any person doing any act forbidden or failing to do any act required by the Nevada Test Site Traffic Regulations shall, upon conviction, be punishable by a fine of not more than \$50 or imprisonment for not more than 30 days, or both.

§ 861.6 Posting and distribution.

Notices including the provisions of the Nevada Test Site Traffic Regulations will be conspicuously posted at the Nevada Test Site. Such other distribution of the Nevada Test Site Regulations will be made by the Manager as will provide reasonable assurance of notice to persons subject to the regulations.

§ 861.7 Applicability of other laws.

Nothing in this part shall be construed to affect the applicability of the provisions of State laws or of other Federal laws.

APPENDIX A TO PART 861—PERIMETER DESCRIPTION OF DOE'S NEVADA TEST SITE

The Nevada Test Site, containing approximately 858,764 acres located in Nye County, Nev., is described as follows:

Beginning at the northwesterly corner of the tract of land hereinafter described, said corner being at latitude 37°20'45", longitude 116°34'20";

Thence easterly approximately 6.73 miles, to a point at latitude 37°20'45" longitude 116°27'00";

Thence northeasterly approximately 4.94 miles to a point at latitude 37°23'07", longitude 116°22'30";

Thence easterly approximately 4.81 miles to a point at latitude 37°23'07", longitude 116°17'15";

Thence southeasterly approximately 6.77 miles to a point at latitude 37°19'47", longitude 116°11'10";

Thence southerly approximately 5.27 miles to a point at latitude 37°15'12.043", longitude 116°11'10";

Thence easterly approximately 14.21 miles to a point at latitude 37°15'07.268", longitude 115°55'42.268";

Thence southerly approximately 39.52 miles to a point at latitude 36°40'43.752", longitude 115°55'37.687";

Thence westerly approximately 2.87 miles to a point at latitude 36°40'40.227", longitude 115°58'43.956";

Thence southerly approximately 5.23 miles to a point at latitude 36°36'07.317", longitude 115°58'41.227";

Thence southwesterly along a perimeter distance approximately 5.82 miles to a point at latitude 36°34'39.754", longitude 116°04'11.167";

Thence northerly approximately 3.20 miles to a point at latitude 36°37'26.804", longitude 116°04'11.355";

Thence northwesterly approximately 5.16 miles to a point at latitude 36°40'28.854", longitude 116°08'17.749";

Thence westerly approximately 8.63 miles to a point at latitude 36°40'23.246", longitude 116°17'37.466";

Thence southerly approximately 0.19 mile to a point at latitude 36°40'13.330", longitude 116°17'37.461";

Thence westerly approximately 8.49 miles to a point at latitude 36°40'13.666", longitude 116°26'47.915";

Thence northerly approximately 32.87 miles to a point at latitude 37°08'50", longitude 116°26'44.125";

Thence northwesterly approximately 15.37 miles to a point at latitude 37°20'45", longitude 116°34'20", the point of beginning herein.

[41 FR 56788, Dec. 30, 1978, as amended at 44 FR 37939, June 29, 1979]

PART 862—RESTRICTIONS ON AIRCRAFT LANDING AND AIR DELIVERY AT DEPARTMENT OF ENERGY NUCLEAR SITES

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AUTHORITY: 42 U.S.C. 2201(b), 2201(i) and 2278(a).

SOURCE: 52 FR 29838, Aug. 12, 1987, unless otherwise noted.

§ 862.1 Purpose.

The purpose of this part is to set forth Department of Energy, hereinafter "DOE", security policy regarding aircraft and air delivery on nuclear

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sites under the jurisdiction of DOE pursuant to the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*).

§ 862.2 Scope.

(a) This part applies to all persons or aircraft entering or otherwise within or above areas within the boundaries of lands or waters subject to the jurisdiction, administration, or in the custody of the DOE at sites designated by DOE.

(b) This part is not applicable to:

(1) Aircraft operating pursuant to official business of the Federal Government;

(2) Aircraft over-flying or in the process of landing pursuant to official business of a state or local law enforcement authority with prior notification to DOE; or

(3) Aircraft in the process of landing on a DOE site due to circumstances beyond the control of the operator and with prior notification to DOE, if possible.

(c) Aircraft in paragraphs (b)(2) and (b)(3) of this section are within the scope of this part upon landing at a DOE designated site.

§ 862.3 Definitions.

(a) *Air delivery.* Delivering or retrieving a person or object by airborne means, including but not limited to, aircraft.

(b) *Aircraft.* A manned or unmanned device or any portion thereof, that is commonly used or intended to be used for flight in the air, including powerless flight. Such devices include but are not limited to any parachute, hovercraft, helicopter, glider, airplane or lighter than air vehicle.

(c) *Boundary.* A delineation on a map of Federal interest in land or water utilized by DOE pursuant to the Atomic Energy Act of 1954, as amended:

(1) Authorized by Congress, or

(2) Published pursuant to law in the FEDERAL REGISTER, or

(3) Filed or recorded with a State or political subdivision in accordance with applicable law.

(d) *Designated site.* An area of land or water identified in accordance with § 862.7 of this part.

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(e) *Downed aircraft.* An aircraft that is on a designated site due to emergency landing or for any other reason.

(f) *Manager of Operations.* The Manager of a DOE Operations Office, the Manager of the Pittsburgh Naval Reactors Office, the Manager of the Schnectady Naval Reactors Office and, for designated sites administered directly by DOE Headquarters, the Director of the Office of Safeguards and Security.

§ 862.4 Prohibitions and penalties.

(a) The following activities are prohibited by this part:

(1) Operation or use of aircraft on lands or waters of designated sites.

(2) Air delivery to or from designated sites.

(3) Removal or movement of downed aircraft, or participation in the removal or movement of downed aircraft, from or on a designated site unless prior authorization is obtained pursuant to § 862.5 of this part.

(4) Failure to remove a downed aircraft from a designated site in accordance with an order issued by the cognizant DOE Manager of Operations under § 862.5 of this part.

(5) Violation of Federal Aviation Administration regulations regarding minimum altitudes and prohibited flight maneuvers over a designated site.

(b) A person willfully engaging in activities prohibited by this part may be subject to the imposition of criminal penalties set forth in sections 223 and 229 of the Atomic Energy Act, as amended (42 U.S.C. 2273 and 2278(a)).

§ 862.5 Procedures for removal of downed aircraft.

(a) An aircraft on or brought on to a designated site, except as provided in § 862.2 (b)(1), shall not be moved within or removed from such areas except as provided for in this section. All such aircraft are subject to full inspection by DOE security personnel upon landing upon order of the Manager of Operations or his designee. Any attempt to depart or remove the aircraft from a designated site without clearance obtained pursuant to this section, may be assumed to be indicative of hostile intent by security forces at such sites.